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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

11 JENNIE QUAN, individually and as
12 successor in interest to BENJAMIN
CHIN, deceased.

Plaintiff,
vs.

16 COUNTY OF LOS ANGELES;
17 MARISOL BARAJAS; HECTOR
VAZQUEZ; and DOES 3-10, inclusive,

Defendants.

Case No. 2:24-cv-04805-MCS-KS

**FIRST AMENDED COMPLAINT
FOR DAMAGES**

1. Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)
2. Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)
3. Municipal Liability – Ratification (42 U.S.C. § 1983)
4. Municipal Liability – Inadequate Training (42 U.S.C. § 1983)
5. Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)
6. Battery
7. Negligence
8. Bane Act (Cal. Civil Code 52.1)

DEMAND FOR JURY TRIAL

COMPLAINT FOR DAMAGES

2 JENNIE QUAN, individually and as successor in interest to BENJAMIN
3 CHIN, deceased, brings this Complaint against Defendants COUNTY OF LOS
4 ANGELES, MARISOL BARAJAS, HECTOR VAZQUEZ, and DOES 3-10,
5 inclusive, and hereby alleges as follows:

INTRODUCTION

7 1. This civil rights and state tort action seeks compensatory and punitive
8 damages from Defendants for violating various rights under the United States
9 Constitution and state law in connection with the fatal officer-involved shooting of
10 Benjamin Chin on June 19, 2023.

JURISDICTION AND VENUE

12 2. This case arises under 42 U.S.C. § 1983 and 1988 as well as California
13 law. This court has subject matter jurisdiction over Plaintiff's federal question and
14 civil rights claims pursuant to 28 U.S.C. §§ 1331 and 1343. This Court has
15 jurisdiction over Plaintiff's supplemental state law claims under 28 U.S.C. § 1337 as
16 those claims arise out of the same transactions and occurrences as Plaintiff's federal
17 question claims.

18 3. Venue is proper in the Central District of California pursuant to
19 28 U.S.C. § 1391(b)(2) because all incidents, events, and occurrences giving rise to
20 this action occurred in the City and the County of Los Angeles, California.

PARTIES

22 4. At all relevant times, Decedent BENJAMIN CHIN (“DECEDENT”)
23 was an individual residing in the City of Diamond Bar, County of Los Angeles,
24 California.

25 5. Plaintiff JENNIE QUAN (“Plaintiff”) is an individual residing in the
26 City of Diamond Bar, County of Los Angeles, California. Plaintiff is the natural
27 mother of Decedent. Plaintiff sues both in her individual capacity as the mother of
28 Decedent and in a representative capacity as the successor-in-interest to Decedent

1 pursuant to California Code of Civil Procedure § 377.30. Plaintiff seeks survival
2 damages, wrongful death damages, and punitive damages under federal and state
3 law.

4 6. At all relevant times, Defendant COUNTY OF LOS ANGELES
5 (“COUNTY”) is and was a municipal corporation existing under the laws of the
6 State of California. COUNTY is a chartered subdivision of the State of California
7 with the capacity to be sued. COUNTY is responsible for the actions, omissions,
8 policies, procedures, practices, and customs of its various agents and agencies,
9 including the Los Angeles County Sheriff’s Department (“LASD”) and its agents
10 and employees. At all relevant times, Defendant COUNTY was responsible for
11 assuring that the actions, omissions, policies, procedures, practices, and customs of
12 the and its employees and agents complied with the laws of the United States and of
13 the State of California. At all relevant times, COUNTY was the employer of
14 Defendants MARISOL BARAJAS, HECTOR VAZQUEZ, and DOE DEPUTIES.

15 7. At all relevant times, Defendant MARISOL BARAJAS (“BARAJAS”)
16 was employed as a sheriff’s deputy for LASD, was acting under color of law, and
17 within the course and scope of her duties as a sheriff’s deputy for LASD. Defendant
18 BARAJAS was acting with the complete authority and ratification of her principal,
19 Defendant COUNTY.

20 8. At all relevant times, Defendant HECTOR VAZQUEZ (“VAZQUEZ”)
21 was employed as a sheriff’s deputy for LASD was acting under color of law, and
22 within the course of scope of his duties as a sheriff’s deputy for LASD. Defendant
23 VAZQUEZ was acting with complete authority and ratification of his principal,
24 Defendant COUNTY.

25 9. At all relevant times, Defendants DOES 3-5 (“DOE DEPUTIES”) are
26 deputies for LASD who were acting under color of law within the course and scope
27 of their duties as deputies for the LASD. DOES 3-5 were acting with the complete
28 authority and ratification of their principal, Defendant COUNTY.

1 10. Defendants DOES 6-10 are managerial, supervisory, and
2 policymaking employees of LASD, who at all relevant times was acting under color
3 of law within the course and scope of their duties as managerial, supervisory, and
4 policymaking employees for the LASD. DOES 6-10 was acting with the complete
5 authority and ratification of their principal, Defendant COUNTY.

6 11. On information and belief, at all relevant times BARAJAS,
7 VAZQUEZ, and DOES 3-10 were residents of the County of Los Angeles.

8 12. In doing the acts and failing and omitting to act as hereinafter
9 described, DOE DEPUTIES were acting on the implied and actual permission and
10 consent of DOES 6-10 and the COUNTY.

11 13. In doing the acts and failing and omitting to act as hereinafter
12 described, Defendants DOES 6-10 was acting on the implied and actual permission
13 and consent of the COUNTY.

14 14. The true names and capacities, whether individual, corporate,
15 association, or otherwise of Defendants DOES 3-10, inclusive, are unknown to
16 Plaintiff, who otherwise sues these Defendants by such fictitious names. Plaintiff
17 will seek leave to amend this complaint to show the true names and capacity of
18 these Defendants when they have been ascertained. Each of the fictitiously-named
19 Defendants is responsible in some manner for the conduct or liabilities alleged
20 herein.

21 15. At all times mentioned herein, each and every Defendant was the agent
22 of each and every other Defendant and had the legal duty to oversee and supervise
23 the hiring, conduct, and employment of each and every Defendant.

24 16. All of the acts complained of herein by Plaintiff against Defendants
25 were done and performed by said Defendants by and through their authorized
26 agents, servants, and/or employees, all of whom at all relevant times herein were
27 acting within the course, purpose, and scope of said agency, service, and/or
28

1 employment capacity. Moreover, Defendants and their agents ratified all of the acts
2 complained of herein.

3 17. Defendants BARAJAS, VAZQUEZ, and DOES 3-10 are sued in their
4 individual capacity.

5

6 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

7 18. Plaintiff repeats and realleges each and every allegation in paragraphs 1
8 through 17 of this Complaint with the same force and effect as if fully set forth
9 herein.

10 19. On June 19, 2023, Defendants BARAJAS, VAZQUEZ, and DOE
11 DEPUTIES responded to the 2900 block of Crooked Creek Drive in Diamond Bar,
12 California regarding reports of a man with a rifle. Defendants BARAJAS,
13 VAZQUEZ, and DOE DEPUTIES encountered Plaintiff, who begged Defendants
14 BARAJAS, VAZQUEZ, and DOE DEPUTIES not to shoot DECEDENT.
15 Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES subsequently located
16 DECEDENT walking on the sidewalk along Crooked Creek Drive.

17 20. Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES followed
18 DECEDENT as he walked to the intersection of Crooked Creek Drive and Diamond
19 Bar Boulevard. DECEDENT stood in the middle of Diamond Bar Boulevard as
20 Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES positioned themselves in
21 front of and behind DECEDENT.

22 21. As DECEDENT slowly walked towards the Defendants BARAJAS,
23 VAZQUEZ, and DOE DEPUTIES in front of him with the rifle pointed towards the
24 ground, Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES in front and
25 from behind DECEDENT discharged their firearms at DECEDENT, striking
26 DECEDENT several times.

27 22. At all relevant times, DECEDENT did not pose an immediate threat of
28 death or serious bodily injury to Defendants BARAJAS, VAZQUEZ, and DOE

1 DEPUTIES or others. DECEDENT never raised, attempted to raise, or pointed the
2 rifle at Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES nor anyone else
3 at the time of the shooting. DECEDENT never made verbal threats towards
4 Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES or anyone else prior to
5 or during the shooting.

6 23. At all relevant times, Defendants BARAJAS, VAZQUEZ, and DOE
7 DEPUTIES were not faced with an immediate defense of life situation and had less-
8 lethal alternatives available to take DECEDENT into custody.

9 24. Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES failed to
10 provide a warning that they were prepared to use lethal force prior to their use of
11 lethal force, despite it being feasible to do so.

12 25. On information and belief, despite having knowledge that DECEDENT
13 was seriously injured by Defendants BARAJAS, VAZQUEZ, and DOE
14 DEPUTIES' use of deadly force, DOE DEPUTIES failed to timely summon medical
15 care or permit medical personnel to treat DECEDENT. The delay of medical care to
16 DECEDENT was a contributing cause of DECEDENT's harm, injury, pain and
17 suffering, and ultimate death.

18 26. DECEDENT sustained several gunshot wounds to his body and died as
19 a result of his gunshot wounds.

20 27. Plaintiff is DECEDENT's successor-in-interest as defined in Section
21 377.11 of the California Code of Civil Procedure and succeeds DECEDENT's
22 interest in this action as the natural mother of DECEDENT.

23 28. On or around December 12, 2023, Plaintiff filed a comprehensive and
24 timely claim for damages with the County of Los Angeles in substantial compliance
25 with § 910 of the California Government Code. On or around January 29, 2024,
26 COUNTY rejected said claims.

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28

FIRST CLAIM FOR RELIEF

Unreasonable Search and Seizure—Excessive Force (42 U.S.C. § 1983)

(Against Defendants MARISOL BARAJAS, HECTOR VAZQUEZ, and DOE
DEPUTIES)

29. Plaintiff repeats and realleges each and every allegation in paragraphs 1 through 28 of this Complaint with the same force and effect as if fully set forth herein.

8 30. Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES used
9 excessive and unreasonable force against DECEDENT when they shot him several
10 times. Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES' unjustified use of
11 force deprived DECEDENT of his right to be secure in his person against
12 unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth
13 Amendment to the United States Constitution and applied to state actors by the
14 Fourteenth Amendment.

15 31. As a result of the foregoing, DECEDENT suffered great physical pain
16 and emotional distress up to the time of his death, loss of enjoyment of life, loss of
17 life, and loss of earning capacity.

18 32. At all relevant times, DECEDENT did not forcibly resist, nor did he
19 pose an immediate threat of death or serious bodily injury to Defendants BARAJAS,
20 VAZQUEZ, and DOE DEPUTIES or anyone else.

21 33. Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES' use of
22 force was excessive and objectively unreasonable and contrary to basic police
23 officer training because DECEDENT posed no immediate threat of death or serious
24 bodily injury to anyone at the time.

25 34. Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES did not
26 exhaust all reasonable available alternative measures prior using deadly force on
27 DECEDEDENT. Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES failed

1 provide adequate commands and warnings prior to using deadly force, despite it be
2 feasible to do so.

3 35. As a result of their misconduct as described above, Defendants
4 BARAJAS, VAZQUEZ, and DOE DEPUTIES are liable for DECEDENT's
5 injuries, either because they were integral participants in the use of excessive force
6 or because they failed to prevent these violations.

7 36. The conduct of Defendants BARAJAS, VAZQUEZ, and DOE
8 DEPUTIES was willful, wanton, malicious, and done with reckless disregard for the
9 rights and safety of Plaintiff and therefore warrants the imposition of exemplary and
10 punitive damages as to Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES.

11 37. Plaintiff brings this claim as successor-in-interest to DECEDENT and
12 seeks survival damages, including pre-death pain and suffering, emotional distress,
13 loss of life, and loss of enjoyment of life for the violation of DECEDENT's rights.
14 Plaintiff also seeks attorneys' fees under this claim.

15

16 **SECOND CLAIM FOR RELIEF**

17 **Unreasonable Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)**

18 (Against Defendants MARISO BARAJAS, HECTOR VAZQUEZ, and DOE
19 DEPUTIES)

20 38. Plaintiff repeats and realleges each and every allegation in paragraphs 1
21 through 37 of this Complaint with the same force and effect as if fully set forth
22 herein.

23 39. Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES failed to
24 provide much needed medical care to DECEDENT, failed to timely summon needed
25 medical care for DECEDENT, prevented medical care personnel from timely
26 treating DECEDENT, and refused to permit medical care personnel access to
27 DECEDENT for care at the scene for an appreciable amount of time after the
28 incident.

1 40. The denial of medical care by Defendants BARAJAS, VAZQUEZ, and
2 DOE DEPUTIES deprived DECEDENT of his right to be secure in his person
3 against unreasonable searches and seizures as guaranteed to him under the Fourth
4 Amendment to the United States Constitution and applied to state actors by the
5 Fourteenth Amendment.

6 41. As a result of the foregoing, DECEDENT suffered great physical pain
7 and suffering up to the time of his death, loss of life, loss of enjoyment of life, and
8 loss of earning capacity.

9 42. Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES knew that
10 failure to provide timely medical treatment to DECEDENT could result in further
11 significant injury, the unnecessary and wanton infliction of pain, or death, but
12 disregarded that serious medical need, causing DECEDENT great bodily harm and
13 death.

14 43. The conduct of Defendants BARAJAS, VAZQUEZ, and DOE
15 DEPUTIES was willful, wanton, malicious, and done with reckless disregard for the
16 rights and safety of Plaintiff and therefore warrants the imposition of exemplary and
17 punitive damages as to Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES.

18 44. At all relevant times, Defendants BARAJAS, VAZQUEZ, and DOE
19 DEPUTIES were acting under color of state law.

20 45. As a result of their misconduct as described above, Defendants
21 BARAJAS, VAZQUEZ, and DOE DEPUTIES are liable for DECEDENT's
22 injuries, either because they were integral participants or because they failed to
23 prevent these violations.

24 46. Plaintiff brings this claim as a successor-in-interest to the DECEDENT,
25 and seeks survival damages, including pre-death pain and suffering, loss of life, and
26 loss of enjoyment of life for the violation of DECEDENT'S rights. Plaintiff also
27 seeks punitive damages, costs, and attorney's fees under this claim.

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THIRD CLAIM FOR RELIEF

Municipal Liability – Ratification (42 U.S.C. § 1983)

(Against Defendants COUNTY and DOES 6-10)

47. Plaintiff repeats and realleges each and every allegation in paragraphs 1 through 46 of this Complaint with the same force and effect as if fully set forth herein.

48. At all relevant times, Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES were acting under color of state law.

9 49. The acts of Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES
10 as described above, including using lethal force against DECEDEDENT, deprived
11 DECEDEDENT of his rights under the United States Constitution.

12 50. Upon information and belief, a final policymaker for COUNTY, acting
13 under color of law, who had final policymaking authority concerning the acts of
14 Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES, ratified (or will ratify)
15 Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES' acts and the bases for
16 them. Upon information and belief, the final policymaker knew of and specifically
17 approved of (or will specifically approve of) Defendants BARAJAS, VAZQUEZ,
18 and DOE DEPUTIES' acts, which include use of excessive force against Plaintiff as
19 well as the unreasonable detention and arrest of DECEDENT and denial of medical
20 care.

21 51. Upon information and belief, a final policymaker for COUNTY has
22 determined (or will determine) that the acts of Defendants BARAJAS, VAZQUEZ,
23 and DOE DEPUTIES were “within policy.”

24 52. By reason of the aforementioned acts and omissions, Plaintiff has
25 suffered loss of the love, companionship, affection, comfort, care, society, training,
26 guidance, and past and future support of DECEDENT. The aforementioned acts and
27 omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life,
28 and death.

1 53. Accordingly, Defendants BARAJAS, VAZQUEZ, and DOE
2 DEPUTIES and DOES 6-10 each are liable to Plaintiff and DECEDENT for
3 compensatory damages under 42 U.S.C. § 1983.

4 54. Plaintiff brings this claim individually and as a successor-in-interest to
5 the DECEDENT, and seeks survival damages, including pre-death pain and
6 suffering, loss of life, loss of enjoyment of life, and wrongful death damages under
7 this claim. Plaintiff also seeks punitive damages, costs, and attorney's fees under
8 this claim.

FOURTH CLAIM FOR RELIEF

Municipal Liability – Failure to Train (42 U.S.C. § 1983)

(Against Defendants COUNTY and DOES 6-10)

13 55. Plaintiff repeats and realleges each and every allegation in paragraphs 1
14 through 54 of this Complaint with the same force and effect as if fully set forth
15 herein.

16 56. At all relevant times, Defendants BARAJAS, VAZQUEZ, and DOE
17 DEPUTIES were acting under color of state law.

18 57. The acts of Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES
19 deprived DECEDENT of his rights under the United States Constitution.

20 58. The training policies of Defendant COUNTY were not adequate to
21 train its officers to handle the usual and recurring situations with which they must
22 deal.

23 59. Defendant COUNTY was deliberately indifferent to the obvious
24 consequences of its failure to train its police officers adequately. Specifically,
25 COUNTY failed to adequately train Defendants BARAJAS, VAZQUEZ, and DOE
26 DEPUTIES with respect to detentions and arrests, tactics, use of less-lethal options,
27 and the use of deadly force, including determining whether the use of deadly force is
28 reasonable and appropriate under the circumstances.

1 60. The failure of Defendant COUNTY to provide adequate training caused
2 the deprivation of the DECEDENT's rights by Defendants BARAJAS, VAZQUEZ,
3 and DOE DEPUTIES; that is, COUNTY's failure to train is so closely related to the
4 deprivation of DECEDENT's rights as to be the moving force that caused the
5 ultimate injury.

6 61. By reason of the aforementioned acts and omissions, Plaintiff has
7 suffered loss of the love, companionship, affection, comfort, care, society, training,
8 guidance, and past and future support of DECEDENT. The aforementioned acts and
9 omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life,
10 and death.

11 62. Accordingly, Defendants BARAJAS, VAZQUEZ, and DOE
12 DEPUTIES and DOES 6-10 each are liable to Plaintiff and DECEDENT for
13 compensatory damages under 42 U.S.C. § 1983.

14 63. Plaintiff brings this claim individually and as a successor-in-interest to
15 the DECEDENT, and seeks survival damages, including pre-death pain and
16 suffering, loss of life, loss of enjoyment of life, and wrongful death damages under
17 this claim. Plaintiff also seeks punitive damages, costs, and attorney's fees under
18 this claim.

FIFTH CLAIM FOR RELIEF

Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)

(Against Defendants COUNTY and DOES 6-10)

23 64. Plaintiff repeats and realleges each and every allegation in paragraphs 1
24 through 63 of this Complaint with the same force and effect as if fully set forth
25 herein.

26 65. At all relevant times, Defendants BARAJAS, VAZQUEZ, and DOE
27 DEPUTIES were acting under color of state law.

1 66. When Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES shot
2 and killed DECEDENT, and denied him timely medical attention, they acted
3 pursuant to an expressly adopted official policy/ies or a longstanding practice(s) or
4 custom of the Defendant COUNTY respectively.

5 67. On information and belief, Defendants BARAJAS, VAZQUEZ, and
6 DOE DEPUTIES were not disciplined, reprimanded, retrained, suspended, or
7 otherwise penalized in connection with use of lethal force against DECEDENT.

8 68. Defendants COUNTY and DOES 6-10, together with other COUNTY
9 policymakers and supervisors, maintained, *inter alia*, the following unconstitutional
10 customs, practices, and policies:

- 11 (a) Using excessive force, including excessive deadly force;
- 12 (b) Providing inadequate training regarding the use of deadly force;
- 13 (c) Employing and retaining as officers individuals whom Defendant
14 COUNTY at all times material herein knew or reasonably should
15 have known had dangerous propensities for abusing their
16 authority and for using excessive force;
- 17 (d) Inadequately supervising, training, controlling, assigning, and
18 disciplining COUNTY sheriff's deputies, and other personnel,
19 whom Defendant COUNTY knew or in the exercise of
20 reasonable care should have known had the aforementioned
21 propensities and character traits;
- 22 (e) Maintaining grossly inadequate procedures for reporting,
23 supervising, investigating, reviewing, disciplining and
24 controlling misconduct by COUNTY sheriff's deputies;
- 25 (f) Failing to adequately discipline COUNTY sheriff's deputies for
26 the above-referenced categories of misconduct, including "slaps
27 on the wrist," discipline that is so slight as to be out of proportion

1 to the magnitude of the misconduct, and other inadequate
2 discipline that is tantamount to encouraging misconduct;

3 (g) Announcing that unjustified shootings are “within policy,”
4 including shootings that were later determined in court to be
5 unconstitutional;

6 (h) Even where shootings are determined in court to be
7 unconstitutional, refusing to discipline, terminate, or retrain the
8 officers involved;

9 (i) Encouraging, accommodating, or facilitating a “blue code of
10 silence,” “blue shield,” “blue wall,” “blue curtain,” “blue veil,”
11 or simply “code of silence,” pursuant to which police officers do
12 not report other officers’ errors, misconduct, or crimes. Pursuant
13 to this code of silence, if questioned about an incident of
14 misconduct involving another officer, while following the code,
15 the officer being questioned will claim ignorance of the other
16 officers’ wrongdoing;

17 (j) Maintaining a policy of inaction and an attitude of indifference
18 towards soaring numbers of police shootings, including by
19 failing to discipline, retrain, investigate, terminate, and
20 recommend officers for criminal prosecution who participate in
21 shootings of unarmed people.

22 69. Defendants COUNTY and DOES 6-10, together with various other
23 officials, whether named or unnamed, had either actual or constructive knowledge
24 of the deficient policies, practices and customs alleged in the paragraphs above.
25 Despite having knowledge as stated above, these defendants condoned, tolerated and
26 through actions and inactions thereby ratified such policies. Said defendants also
27 acted with deliberate indifference to the foreseeable effects and consequences of

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1 these policies with respect to the constitutional rights of Plaintiff and other
2 individuals similarly situated.

3 70. By perpetrating, sanctioning, tolerating and ratifying the outrageous
4 conduct and other wrongful acts, COUNTY and DOES 6-10 acted with intentional,
5 reckless, and callous disregard for the life and constitutional rights of Plaintiff and
6 DECEDENT. Furthermore, the policies, practices, and customs implemented,
7 maintained, and still tolerated by Defendants COUNTY and DOES 6-10 were
8 affirmatively linked to and were a significantly influential force behind the injuries
9 of Plaintiff and DECEDENT.

10 71. By reason of the aforementioned acts and omissions, Plaintiff has
11 suffered loss of the love, companionship, affection, comfort, care, society, training,
12 guidance, and past and future support of DECEDENT. The aforementioned acts and
13 omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life,
14 and death.

15 72. Accordingly, Defendants BARAJAS, VAZQUEZ, and DOE
16 DEPUTIES and DOES 6-10 each are liable to Plaintiff and DECEDENT for
17 compensatory damages under 42 U.S.C. § 1983.

18 73. Plaintiff brings this claim individually and as a successor-in-interest to
19 the DECEDENT, and seeks survival damages, including pre-death pain and
20 suffering, loss of life, loss of enjoyment of life, and wrongful death damages under
21 this claim. Plaintiff also seeks punitive damages, costs, and attorney's fees under
22 this claim.

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SIXTH CLAIM FOR RELIEF

Battery (Wrongful Death)

(Against Defendants COUNTY, BARAJAS, VAZQUEZ, and DOE DEPUTIES)

74. Plaintiff repeats and realleges each and every allegation in paragraphs 1 through 73 of this Complaint with the same force and effect as if fully set forth herein.

75. At all relevant times, Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES were working as sheriff's deputies for LASD and was acting within the course and scope of their duties as a sheriff's deputies for the COUNTY.

10 76. Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES while
11 working as sheriff's deputies for the LASD, and acting within the course and scope
12 of their duties, intentionally shot DECEDENT multiple times and used unreasonable
13 and excessive force against him. As a result of the actions of Defendants
14 BARAJAS, VAZQUEZ, and DOE DEPUTIES, DECEDENT ultimately died from
15 his injuries. Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES had no
16 legal justification for using force against DECEDENT, and their use of force while
17 carrying out their duties as sheriff's deputies was an unreasonable and non-
18 privileged use of force.

19 77. As a direct and proximate result of the conduct of Defendants
20 BARAJAS, VAZQUEZ, and DOE DEPUTIES as alleged above, DECEDENT
21 sustained injuries and died from his injuries and also lost his earning capacity.

22 78. The COUNTY is vicariously liable for the wrongful acts of Defendants
23 BARAJAS, VAZQUEZ, and DOE DEPUTIES pursuant to section 815.2(a) of the
24 California Government Code, which provides that a public entity is liable for the
25 injuries caused by its employees within the scope of the employment if the
26 employee's act would subject him or her to liability.

27 79. The conduct of Defendants BARAJAS, VAZQUEZ, and DOE
28 DEPUTIES was malicious, wanton, oppressive, and accomplished with a conscious

1 disregard for the rights of DECEDENT, entitling Plaintiff, as successor-in-interest to
2 DECEDENT, to an award of exemplary and punitive damages, which Plaintiff seeks
3 under this claim.

4 Plaintiff this claim individually and as a successor-in-interest to
5 DECEDENT. Plaintiff seeks survival damages and wrongful death damages,
6 including pre-death pain and suffering, under this claim.

SEVENTH CLAIM FOR RELIEF

Negligence (Wrongful Death)

(Against all Defendants)

11 81. Plaintiff repeats and realleges each and every allegation in paragraphs 1
12 through 80 of this Complaint with the same force and effect as if fully set forth
13 herein.

14 82. The actions and inactions of Defendants were negligent and reckless,
15 including but not limited to:

- (a) Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES' failure to properly and adequately assess the need to detain, arrest, and use force and/or deadly force against DECEDEDENT;
- (b) Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES' negligent tactics and handling of the situation with DECEDEDENT, including pre-force negligence;
- (c) Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES' negligent detention, arrest, and use of force, against DECEDEDENT;
- (d) Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES's failure to provide prompt medical care to DECEDEDENT,

- 1 (e) the COUNTY's failure to properly train and supervise
2 employees, both professional and non-professional, including
3 Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES;
- 4 (f) the COUNTY's failure to ensure that adequate numbers of
5 employees with appropriate education and training were
6 available to meet the needs of and protect the rights of
7 DECEDENT.

8 83. As a direct and proximate result of Defendants' conduct as alleged
9 above, and other undiscovered negligent conduct, DECEDENT ultimately died.
10 Also as a direct and proximate result of Defendants' conduct as alleged above,
11 Plaintiff suffered emotional distress and mental anguish. Plaintiff also has been
12 deprived of the life-long love, companionship, comfort, support, society, care and
13 sustenance of DECEDENT, and will continue to be so deprived for the remainder of
14 her natural life. The COUNTY is vicariously liable for the wrongful acts of
15 Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES and DOES 6-10
16 pursuant to section 815.2(a) of the California Government Code, which provides
17 that a public entity is liable for the injuries caused by its employees within the scope
18 of the employment if the employee's act would subject him or her to liability.

19 84. Plaintiff brings this claim individually and as a successor-in-interest to
20 DECEDENT. Plaintiff seeks survival damages and wrongful death damages,
21 including pre-death pain and suffering, under this claim.

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23 **EIGHTH CLAIM FOR RELIEF**

24 **Violation of Cal. Civil Code § 52.1 (Bane Act)**

25 (Against All Defendants)

26 85. Plaintiff repeats and realleges each and every allegation in paragraphs 1
27 through 84 of this Complaint with the same force and effect as if fully set forth
28 herein.

1 86. California Civil Code, Section 52.1 (the Bane Act), prohibits any
2 person from using violent acts or threatening to commit violent acts in retaliation
3 against another person for exercising that person's constitutional rights. An intent to
4 violate a person's civil rights can be inferred by a reckless disregard for the person's
5 civil rights.

6 87. On information and belief, Defendants BARAJAS, VAZQUEZ, and
7 DOE DEPUTIES, while working for COUNTY and acting within the course and
8 scope of their duties as sheriff's deputies, intentionally committed and attempted to
9 commit acts of violence against DECEDEDENT and also acted with a reckless
10 disregard for DECEDEDENT's civil rights, including by shooting him without
11 justification or excuse, and by denying him necessary medical care.

12 88. When Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES shot
13 DECEDEDENT, they interfered with his civil rights to be free from unreasonable
14 searches and seizures, to due process, to equal protection of the laws, to medical
15 care, to be free from state actions that shock the conscience, and to life, liberty, and
16 property.

17 89. On information and belief, Defendants BARAJAS, VAZQUEZ, and
18 DOE DEPUTIES intentionally and spitefully committed the above acts to
19 discourage DECEDEDENT from exercising his civil rights, to retaliate against him for
20 invoking such rights, or to prevent him from exercising such rights, which he was
21 and is fully entitled to enjoy.

22 90. On information and belief, DECEDEDENT reasonably believed and
23 understood that the violent acts committed by Defendants BARAJAS, VAZQUEZ,
24 and DOE DEPUTIES were intended to discourage him from exercising the above
25 civil rights, to retaliate against him for invoking such rights, or to prevent him from
26 exercising such rights.

27 91. Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES
28 intentionally and successfully interfered with the above civil rights of DECEDEDENT,

1 including his right to be free from excessive force, and acted with a reckless
2 disregard for these rights.

3 92. The conduct of Defendants was a substantial factor in causing
4 DECEDENT's harms, losses, injuries, and damages.

5 93. The COUNTY is vicariously liable for the wrongful acts of Defendants
6 BARAJAS, VAZQUEZ, and DOE DEPUTIES pursuant to section 815.2(a) of the
7 California Government Code, which provides that a public entity is liable for the
8 injuries caused by its employees within the scope of the employment if the
9 employee's act would subject him or her to liability.

10 94. Defendants DOES 6-10 are vicariously liable under California law and
11 the doctrine of *respondeat superior*.

12 95. Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES' conduct
13 was malicious, wanton, oppressive, and accomplished with a conscious disregard for
14 DECEDENT's rights, justifying an award of exemplary and punitive damages as to
15 Defendants BARAJAS, VAZQUEZ, and DOE DEPUTIES.

16 96. Plaintiff brings this claim as successor-in-interest to DECEDENT and
17 seeks survival damages, including emotional distress, loss of life, and loss of
18 enjoyment of life under this claim. Plaintiff also seeks treble damages, punitive
19 damages, attorney's fees, and costs under this claim.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff JENNIE QUAN, requests entry of judgment in her favor and against Defendants the County of Los Angeles, Marisol Barajas, Hector Vazquez, and DOES 3-10, inclusive, as follows:

- A. For compensatory damages in whatever other amount may be proven at trial, including both survival damages and wrongful death damages under federal and state law;
- B. For funeral and burial expenses, and loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For statutory damages;
- E. For treble damages pursuant to California Civil Code Sections 52, 52.1;
- F. For interest;
- G. For reasonable attorneys' fees, including litigation expenses;
- H. For costs of suit; and
- I. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: October 15, 2024

LAW OFFICES OF DALE K. GALIPO

Bv _____ /s/ *Hang D. Le*
Dale K. Galipo
Hang D. Le
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.